

## Captioned Telephone Service

### Overview

As a provision of the Americans with Disabilities Act of 1990, the FCC established a fund that gives individuals with hearing loss access to Captioned Telephone Service (CTS) at no cost. CaptionCall is an FCC-authorized IP (Internet Protocol) CTS provider and is compensated by the FCC for providing the captioning service at no cost to the end user based on per minutes of service provided.

A special captioning phone is required to take advantage of this service. The CaptionCall phone is not covered by the FCC fund. However, CaptionCall has been subsidizing the entire cost of the phone for hearing impaired individuals to enable access to this valuable service. CaptionCall also delivers the phone to their home, installs it, and provides hands-on training so that the hearing impaired person can communicate by phone again.

The phone provides excellent sound quality, amplification, and captions of what callers say displayed on a built-in screen. The captions reinforce what their ears miss so they are able to stay connected by phone, in spite of their disability.

### History

CaptionCall began providing this service in early 2011. We have worked diligently with Audiologists and Hearing Instrument Specialists across the U.S. to educate their hearing impaired patients about CTS, and to make the service available to them. In late 2012, the FCC noticed that the number of individuals utilizing the service had dramatically increased over the last 2 years, and suspected misuse of the CTS fund. The reality is that we were effectively educating the hearing impaired through their hearing care providers about the service. Their patients needed it and adopted it, resulting in an increased demand on the CTS fund.

In February 2013, the FCC issued a temporary order to slow the growth of the CTS fund, with the intent to formalize regulations within the next 6 months. This type of temporary order is unprecedented and did not follow standard regulatory procedure. CaptionCall had no choice but to comply or risk not being paid for services provided or our authorization to provide the service. The temporary order included the following new regulations:

ï,§ Hearing impaired individuals are required to pay a minimum of \$75 to receive a captioning telephone, or to provide professional certification of their hearing loss to receive a free phone.

ï,§ Hearing care providers cannot receive any form of compensation for educating their customers about this service, even though it takes time away from their primary objective to sell and fit hearing aids. This type of provider program has proven to be the most cost-effective way to educate the hard-of-hearing about the service but is now severely restricted.

ï,§ The captioning telephone must default to the "captions off"™ position for every call. This requires these individuals, mostly elderly people who are uncomfortable with

technology, to go through extra steps to enable captioning before making or answering a call.

We immediately adapted our marketing communications strategy in order to comply with these regulations. The changes have become a significant barrier to effectively educating people about the service. Even more troubling, it has become a barrier to using the service for many who have

difficultyâ€”either mental or physicalâ€”manually turning on captions for each use.

New proposed FCC regulations being circulated

We have learned that the FCC has recently proposed additional new regulations, currently being circulated with the intent to finalize within the next 10 days. These new regulations will make it even more difficult and confusing for people currently using the service, and more cost prohibitive for hearing impaired individuals to access the service. Some of the regulations include:

i,§ Require everyone to pay a minimum of \$75 to receive a captioning telephone and participate in this service. IP CTS customers are already required to pay for long distance telephone service and broadband Internet access in order to use the captioning service, as well as for any non-captioning phones they already have. The \$75 fee seems like an additional tax on the elderly and hearing impaired, especially because they cannot access captioning without a special phone. It will definitely be a barrier for many who need it to participate in this valuable service.

ii,· Require any CaptionCall customers who have already received a CaptionCall phone at no cost to obtain and submit certification of hearing loss from a medical professional in order to continue using the service. This will confuse, frustrate, and alienate many seniors who are enjoying the service today.

iii,· They are still calling for captions to be set to the “OFF” position at the beginning of each call, even when a hard-of-hearing consumer lives alone or only with other hard-of-hearing people. Over 5000 CaptionCall users have sent letters to the FCC expressing frustration over this change, but the FCC has not listened. As proposed, the only way for CaptionCall to set the default on a customer's phone to captioning “ON” is for the user to provide a doctor’s certification that they are either mentally or physically unable to do this.

We have asked our customers and employees to reach out to FCC acting Chairwoman Clyburn and Commissioners to remind them of their obligation to support the Americans with Disabilities Act, and encourage them to stop putting up roadblocks and barriers to access or use these services. Their goal appears to be, “reduce the cost of ADA programs by reducing the number of people who are aware of them and who use them”™. We know that over 90 percent of individuals who use our service have at least one hearing aid or a cochlear implant, showing that the FCC’s concerns of misuse are unfounded.

Anything your office can do to encourage the FCC to slow down and better understand this service, the providers of this service, and the hearing impaired people who need this service, would be greatly appreciated.